

### **REMARKS/ARGUMENTS**

New claims 13 and 14 are being added.

Each of claims 13 and 14, as well as claims 1 and 12 previously presented, specifically recites an edible candy makeup composition having either a chewing gum base or a chewing gum base with an edible coating. The claimed invention provides a chewing gum base product that imitates real makeup.

It is respectfully submitted that claims presently on file differ essentially and in an unobvious, highly advantageous manner from the construction disclosed in the references.

Applicant has reviewed the numerous references which the Examiner combined in rejecting the invention.

Even if the references were combined it is respectfully submitted that they would not teach the chewing gum based candy make-up composition as recited in the claims presently on file. Relative to the chewing gum the Examiner cites McDonald and the Washington Times article of June 27, 1991. Applicant respectfully submits that it would not have been obvious to combine these references, since the Washington Times article deals with a stage production wherein lipstick made of candy is eaten by one of the players. Clearly there would be no motivation, nor would it be desirable, to make the lipstick out of chewing gum since it would not be desirable for an actor to have chewing gum in his mouth on stage once the lipstick eating scene is completed. Thus, the Washington Times article teaches away from the present invention.

Therefore, it is respectfully submitted that the combined references do not teach the invention of claims 1, 12, 13 and 14 as argued by the Examiner.

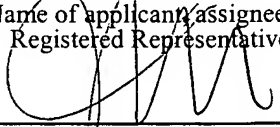
In view of these considerations, it is respectfully submitted that the rejections of the claims under 35 U.S.C. 103(a) have been overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 12, 2004

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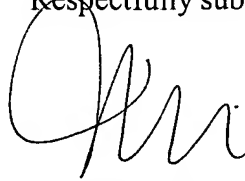


Signature

March 12, 2004

Date of Signature

Respectfully submitted,



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